

Access to Information Procedure Rules

CONTENTS

No.	Rule	Pages
1.	Scope	2
2.	Additional Rights to Information	2
3.	Rights to Attend Meetings	2
4.	Notices of Meetings	2
5.	Access to Agenda and Reports Before the Meeting	2
6.	Supply of Copies	2
7.	Access to Minutes etc. After the Meeting	2 - 3
8.	Background Papers	3
9.	Summary of Public's Rights	3
10.	Exclusion of Access by the Public to Meetings	3 – 5
11.	Exclusion of Access by the Public to Reports	5
12.	Record of Decisions	6
13.	Overview & Scrutiny Committee's Access to Documents	6
14.	Additional Rights of Access for Members	6

1. **SCOPE**
These Rules apply to all Meetings of Full Council, the Overview and Scrutiny Committee, Area Forums, Policy and other Committees and the Standards Committee (together called Meetings).
2. **ADDITIONAL RIGHTS TO INFORMATION**
These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.
3. **RIGHTS TO ATTEND MEETINGS**
Members of the public may attend all Meetings subject only to the exceptions in these Rules.
4. **NOTICES OF MEETING**
The Council will give at least five clear days notice of any Meeting by posting details of the Meeting at the Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH.
5. **ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**
The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the Meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.
6. **SUPPLY OF COPIES**
The Council will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) any other documents supplied to Councillors in connection with an item, if the Head of Legal & Democratic Services thinks fit,

to any person on payment of a charge for postage and any other costs.
7. **ACCESS TO MINUTES ETC. AFTER THE MEETING**
The Council will make available copies of the following for six years after a Meeting:
 - (a) the Minutes of the Meeting, excluding any part of the Minutes of proceedings when the Meeting was not open to the public or which disclose exempt or confidential information;
 - (b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the Meeting; and

(d) reports relating to items when the Meeting was open to the public.

8. **BACKGROUND PAPERS**

8.1 **List of Background Papers**

The reporting officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those that disclose exempt or confidential information (as defined in Rule 10).

8.2 **Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. **SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend Meetings and to inspect and copy documents must be kept at and available to the public at the Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.

10. **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

10.1 **Confidential Information – Requirement to Exclude Public**

The public must be excluded from Meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 **Exempt Information – Discretion to Exclude Public**

The public may be excluded from Meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the Meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the Meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 **Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Descriptions of Exempt Information

Exempt information means information falling within the following categories, as set out in Part 1 of Schedule 12A of the Local Government Act 1972:-

1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Where a meeting of a Standards Committee, or Sub-Committee of a Standards Committee, is convened to consider a matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000, the provisions of Parts 1 to 3 of Schedule 12A to the Local Government Act 1972 shall apply as if, after paragraph 7 of that Schedule, the following descriptions of exempt information were inserted:-

7A.	Information which is subject to any obligation of confidentiality.
7B.	Information which relates in any way to matters concerning national security.
7C.	Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.

Qualifications

The following qualifications are set out in Part 2 of Schedule 12A of the Local Government Act 1972:-

8.	Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under – (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
9.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
10.	Information which – (a) falls within any of paragraphs 1 to 7 above; and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Head of Legal & Democratic Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. RECORD OF DECISIONS

After any Meeting of a Committee, whether held in public or private, the Head of Legal & Democratic Services or, where no officer was present, the person presiding at the Meeting, will produce a record of every decision taken at that Meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that Meeting.

13. OVERVIEW AND SCRUTINY COMMITTEE'S ACCESS TO DOCUMENTS

13.1 Rights to Copies

Subject to Rule 13.2 below, the Overview and Scrutiny Committee (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the relevant Policy Committee and which contains material relating to any business transacted at a public or private meeting of the relevant Policy Committee.

13.2 Limit on Rights

The Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form; or
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

14. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

14.1 Material Relating to Previous Business

All Members will be entitled to inspect any document which is in the possession of a Policy Committee and contains material relating to any business previously transacted at Committee.

14.2 Nature of Rights

These rights of a Member are additional to any other right he/she may have.